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Attorney for Plaintiff
GoDigital Records, L.L.C.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GODIGITAL RECORDS, L.L.C.,
Plaintiff,
vs.
NIR MAIMON,
Defendant.

CASE NO.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

1 Plaintiff GoDigital Records, L.L.C., d/b/a AdShare (“**GoDigital**”), by
2 counsel, complains of NIR MAIMON (“**Defendant**”) as follows:

3 **PARTIES**

4 1. Plaintiff GoDigital is a California limited liability company that
5 operates video music channels through the service provider, YouTube, LLC
6 (“**YouTUBE**”).

7 2. Upon information and belief, Defendant NIR MAIMON, is an
8 individual residing at Hashunit 10\4, Maale Adumim, Israel.

9 **INFRINGED COPYRIGHTS**

10 3. Plaintiff is the holder of the pending copyright license
11 registration applications, listed in **Exhibit A**, attached hereto (the “**Works**”).

12 4. On or about August 2, 2017, Plaintiff submitted to the Register
13 of Copyrights completed applications for registration, deposit copies, and the
14 applicable fees in order to register the license for the copyrights to the Works.
15 Plaintiff will seek leave of this Court to amend the complaint to attach and
16 incorporate by reference a copy of the certificates of registration when it receives
17 them.

18 **JURISDICTION AND VENUE**

19 5. This is a civil action seeking damages and injunctive relief for
20 copyright infringement under the Copyright Act of the United States, 17 U.S.C.
21 § 101, *et seq.*

22 6. This Court has exclusive subject matter and supplemental
23 jurisdiction under 28 U.S.C. § 1338(a) (original jurisdiction over copyrights; no
24 state court jurisdiction over copyright actions).

25 7. This Court has personal jurisdiction over Defendant because,
26 among other things, in accordance with 17 U.S.C. § 512 (g)(3), Defendant
27 consented to the jurisdiction of the federal court in the jurisdiction in which the
28 service provider is located. The service provider, YouTube, is located in San

1 Francisco, California.

2 **INTRADISTRICT ASSIGNMENT**

3 8. This is an Intellectual Property Action to be assigned on a
4 district-wide basis pursuant to Civil Local Rule 3-2(c).

5 **FACTS**

6 9. The owners of music compositions, sound recordings and video
7 who use the Plaintiff's services grant the Plaintiff certain exclusive rights,
8 including the exclusive right to reproduce their works on the Plaintiff's sites, and
9 to publicly perform or display their works.

10 10. On July 3, 2017, Plaintiff became aware that the Defendant had
11 uploaded various "DJ mix" music videos to the RIMAS network on YouTube that
12 included extracts and, in some instances, the entire contents of the Works without
13 Plaintiff's consent. Attached hereto as **Exhibit B**, which is fully incorporated
14 herein by reference, is a table detailing each of the instances in which the
15 Defendant has uploaded portions of the Works.

16 11. Defendant Nir Maimon is responsible for at least 12 instances
17 of infringement on the RIMAS channels, Dale Reggaeton DJ NiR Maimon and DJ
18 NiR Maimon Reggaeton, as detailed in **Exhibit B**.

19 12. Investigations are ongoing and Plaintiff will seek leave of this
20 Court to amend the complaint to include details of any further instances of
21 infringement that are discovered.

22 13. Pursuant to the provisions of the 17 U.S.C. § 512(c), on July 17,
23 2017, Plaintiff submitted copyright takedown requests through YouTube's online
24 copyright infringement notification system for the alleged infringements. Attached
25 hereto as **Exhibit C** is a true copy of each of the takedown requests that Plaintiff
26 submitted.

27 14. On July 22, 2017, Defendant lodged counter-notifications in
28 response to the takedown requests. Attached hereto as **Exhibit D** is a true copy of

1 each of the counter-notifications that Plaintiff has received. None of the counter-
2 notifications offer any justification for use of the Works and falsely allege that the
3 takedown requests have been made due to mistake or misidentification.

4 **CLAIMS FOR RELIEF**

5 **Copyright Infringement**

6 **(17 U.S.C. § 501, *et seq.*)**

7 15. Plaintiff incorporates by reference and realleges the allegations
8 set forth in paragraphs 1 through 14 above.

9 16. At all times relevant hereto, Plaintiff has been the owner of the
10 license to the Works.

11 17. Without authorization, Defendant has copied and created
12 derivative works of these original, creative works protected by U.S. Copyright
13 Registrations, reproducing and displaying the derivative works, and is thus
14 infringing the copyrights.

15 18. Defendant knew that he had not paid for use of the Works,
16 knew he did not have permission to exploit the Works or to create derivatives
17 therefrom, and knew his acts constituted copyright infringement. Defendant's
18 conduct was and is willful within the meaning of the Copyright Act.

19 19. As a result of his conduct, Defendant is liable to Plaintiff for
20 copyright infringement pursuant to 17 U.S.C. § 501.

21 20. Plaintiff has been and will continue to be irreparably harmed
22 and damaged by Defendant's conduct, and lacks an adequate remedy at law to
23 compensate for this harm and damage.

24 21. Plaintiff is entitled to a permanent injunction in order to restrain
25 infringement, pursuant to 17 U.S.C. § 502.

26 22. Plaintiff is entitled to recover damages, which include its losses
27 and any and all profits Defendant has made as a result of his wrongful conduct,
28 pursuant to 17 U.S.C. § 504.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks this Court to enter judgment against the Defendant and against his subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with the Defendant, granting the following relief:

1. A judgment that Defendant has infringed one or more of Plaintiff's copyrights;

2. An order and judgment preliminarily and permanently enjoining Defendant and its agents, officers, employees, representatives, successors, assigns, attorneys and all other persons acting for, with, by through or under authority from him, and each of them, from using Plaintiff's copyrights;

3. An order and judgment preliminarily and permanently enjoining Defendant and his officers, directors, agents, servants, employees, affiliates, attorneys and all others acting in privity or in concert with him, and their parents, subsidiaries, divisions, successors and assigns, from further acts of infringement of Plaintiff's copyrights;

4. A judgment awarding Plaintiff all damages adequate to compensate for Defendant's infringement of Plaintiff's copyrights;

5. A judgment awarding Plaintiff Defendant's profits that have been made as a result of Defendant's wrongful conduct;

6. That Defendant be required to file with the Court and serve on Plaintiff within thirty (30) days after entry of the Injunction, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the Injunction;

8. Any other remedy to which Plaintiff may be entitled under applicable law, including all remedies provided for in 17 U.S.C. §§ 502-505.

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Respectfully submitted,

COMAR LLP

Dated: August 3, 2017

By /s/ Inder Comar
D. Inder Comar
Attorney for Plaintiff
GODIGITAL RECORDS, L.L.C.